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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/741,672  | 12/18/2003  | John Mese            | RPS920030245US1     | 4147             |
| 47052   | 7590        | 06/27/2007           | EXAMINER            |                  |
| SAWYER LAW GROUP LLP<br>PO BOX 51418<br>PALO ALTO, CA 94303 |             |                      | VERDI, KIMBLEANN C  |                  |
|   |             | ART UNIT             | PAPER NUMBER        |                  |
|   |             | 2194                 |                     |                  |
|   |             | MAIL DATE            | DELIVERY MODE       |                  |
|   |             | 06/27/2007           | PAPER               |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/741,672             | MESE ET AL.         |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Kacy Verdi             | 2194                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date December 18, 2003.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This office action is in response to the Application filed on December 18, 2003. Claims 1-16 are pending in the current application.

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "106" has been used to designate both Application of Figure 1 and Record/Playback Application Figure 2.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 201 and 203, Figure 2, and 406 and 408, Figure 4.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Abstract exceeds the limit of 150 words.

Lines 1-2 the recitation of "...a computer system is disclosed" contains implied language.

### ***Specification***

5. The disclosure is objected to because of the following informalities:
  - a. page 4, line 21, the recitation of "record/playback 104 application 104" should be "record/playback application 104";
  - b. page 4, line 22, the recitation of "record/playback application 100", should be "record/playback application 104". Appropriate correction is required.
6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 14-16 refer to a computer readable medium containing program instructions, however the specification does not disclose a computer readable medium.

Art Unit: 2194

7. The use of the trademark Active Accessibility™ has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 14-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 14-16, a "A computer readable medium containing program instructions" is being recited; however, it appears that a computer readable medium containing program instructions would reasonably be interpreted by one of ordinary skill in the art as software, per se. A computer readable medium containing program instructions as claimed does not set forth a means to realize the software, per se such as being stored in a memory or computer storage media. As such, it is believed that a computer readable medium containing program instructions of claims 14-16 is reasonably interpreted as functional descriptive material, per se.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent Application Publication 2005/0060719 A1 to Gray et al. (hereinafter Gray).
12. As to claim 1, Gray teaches a system for creating and accessing an object in a computer system, the computer system including an application (Application 205, Fig. 2) and an operating system (Desktop 201, Fig. 2);  
the system comprising:  
a plurality of application programming interfaces (APIs) calls in the operating system (paragraph [0037]), the plurality of API calls being utilized to obtain and set state information related to the application (paragraphs [0037]-[0038]); and  
a record/playback application on the computer system (User Interface 207, Fig. 2), the record/playback application being capable of generating and reading script based upon the API calls to record actions that represent the operations of the applications (paragraph [0038]) and to replay actions that represent operations of the application (paragraph [0042]).
13. As to claim 2, Gray teaches the system of claim 1 wherein the record/playback application comprises an Accessibility API Suite (paragraph [0023], [0037]).
14. As to claim 3, Gray teaches the system of claim 1 wherein the API calls are Accessibility API calls (paragraph [0023], [0037]).

Art Unit: 2194

15. As to claim 4, Gray teaches the system of claim 1 wherein the APIs are within the operating system (paragraph [0023]).

16. As to claim 5, Gray teaches a method for recording an application on a computer system comprising:

assigning a record/playback application to the application (step 401, Fig. 4); and  
recording actions which represent operations (step 407, Fig. 4); and  
generating script information (step 409, Fig. 4).

17. As to claim 6, Gray teaches the method of claim 5 wherein the actions recording step comprises:

utilizing API calls to obtain state information (step 407, Fig. 4); and  
generating script based upon the API calls utilizing step (step 409, Fig. 4).

18. As to claim 7, Gray teaches the method of claim 5 which includes the step of writing the script to a file on the computer system (step 409, Fig. 4).

19. As to claim 8, Gray teaches a method for playback of a recorded application on a computer system comprising:

reading scripted information and generated actions from a file (step 601, Fig. 6);

and

replaying actions that represent the operation of the application (step 619, Fig. 6).

20. As to claim 9, Gray teaches the method of claim 8 wherein the replay step comprises:

- utilizing API calls to set state information of the recorded application (step 407, Fig. 4); and
- reading the script based upon the API calls utilizing step (paragraphs [0048] and [0052]-[0053]).
21. As to claim 10, Gray teaches a method for recording and playback of an application on a computer system comprising:
- for recording, assigning a record/playback application to the application (step 401, Fig. 4);
- recording actions which represent operations (step 407, Fig. 4); and
- generating script information (step 409, Fig. 4);
- reading scripted information and generated actions from a file (step 601, Fig. 6); and
- replaying actions that represent the operation of the application (step 619, Fig. 6).
22. As to claims 11 and 12, these claims are rejected for the same reasons as claims 6 and 7 respectively, see the rejections to claims 6 and 7 above.
23. As to claim 13, this claim is rejected for the same reasons as claim 9, see the rejection to claim 9 above.
24. As to claim 14, this claim is rejected for the same reasons as claim 5, see the rejection to claim 5 above.
25. As to claim 15, this claim is rejected for the same reasons as claim 8, see the rejection to claim 8 above.

Art Unit: 2194

26. As to claim 16, this claim is rejected for the same reasons as claim 10, see the rejection to claim 10 above.

***Conclusion***

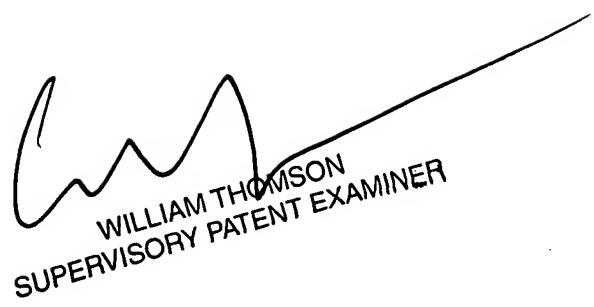
27. The prior art made of record on the accompanying PTO-892 and not relied upon, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kacy Verdi whose telephone number is (571) 270-1654. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 25, 2007  
KV



A handwritten signature in black ink, appearing to read "WILLIAM THOMSON", is written over a stylized, wavy line that slopes upwards from left to right. Below the signature, the words "SUPERVISORY PATENT EXAMINER" are printed in a smaller, sans-serif font.

WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER